



SDMS DocID

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**Mark Stephens**

06/25/2003 09:47 AM

To: Hank Sokolowski/R3/USEPA/US@EPA  
cc: Joan Armstrong/R3/USEPA/US@EPA, Leo  
Mullin/R3/USEPA/US@EPA  
Subject: Re: Malvern TCE Superfund Site

PFE ORIGINAL

Hank,

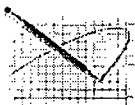
FYI, Leo and I went to Abe's office late on Tuesday on the chance that he'd be there. He was, and we explained that this attorney for Quaker Chemical (Malvern TCE Site PRP) wants to meet with Abe to express frustration that we (Leo) have not gotten to his client's Ability-to-Pay analysis yet. Instead, Leo has been working very intensely with Pat Egan and Joan Johnson (ORC) to resolve the *de minimis* offer for some 77 parties who have been sued for contribution by the Malvern TCE Performing PPRs. We have been aware of his angst for some weeks, but the *de minimis* is the legitimate priority.

Quaker Chemical and several other 'A-T-P' parties are being sued in the same Malvern suit, but they are not eligible for the *de minimis* offer. We plan to have the *de minimis* offer ready for mailing in the next week (or so), after which Leo plans to turn to the Quaker A-T-P, and then the other A-T-Ps. So it looks like we'll get to it in a couple of weeks. Leo will also ask for DoJ review of his A-T-P analysis because he expects that this attorney is likely to challenge his A-T-P analysis, i.e., Leo's recommendation for a settlement is likely to be no where near as low as they might hope.

Abe was satisfied with this info.

MARK

Abe Ferdas

**Abe Ferdas**

06/24/2003 04:06 PM

To: Hank Sokolowski/R3/USEPA/US@EPA, Joan  
Armstrong/R3/USEPA/US@EPA, Mark  
Stephens/R3/USEPA/US@EPA  
cc:  
Subject: Malvern TCE Superfund Site

What is this about?

Abe Ferdas 215-814-3143

----- Forwarded by Abe Ferdas/R3/USEPA/US on 06/24/2003 04:04 PM -----

**Joan-A Johnson**

06/24/2003 02:05 PM

To: Abe Ferdas/R3/USEPA/US@EPA  
cc: Leo Mullin/R3/USEPA/US@EPA  
Subject: Malvern TCE Superfund Site

Abe,

Robert Collings, attorney for Quaker Chemical, has asked to meet with you regarding Malvern.

Quaker is a *de maximus* PRP for the Site, and because of this status, any settlement with Quaker may be challenged by the Chemclene Site Defense Group (the group of PRPs that is performing the work at the Site and which has filed a CERCLA contribution action against a number of parties, including Quaker).

Mr. Collings wants to meet so that he can express his concern about the length of time it is taking for EPA to complete an ability to pay ("ATP") analysis for Quaker. Quaker approached EPA seeking an ATP settlement in November, 2002. Since then, Quaker has provided financial information and has addressed questions raised by Leo Mullin relating to Quaker's finances. Leo has completed his analysis and needs to finalize a memo documenting his review and ATP recommendation. Once the memo is completed it can be reviewed by everyone (including a DOJ financial analyst). Only after EPA and DOJ review of the

memo can we make Quaker an offer to settle.

Leo has not completed the memo because he has been working on other aspects of the case, most importantly a proposed third round de minimis settlement. It is hoped that once the de minimis settlement is issued, Leo should be able to complete the memo within a week.

Mr. Collings expected the memo to have been completed by now and would like to meet with you to convey his concern that the process has not been completed.

I would appreciate your confirming that you would be willing to meet with Mr. Collings.

Thanks, Joan.

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